IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 11992 of 2004(C)

PETITIONER:

JAISON JO JACOB, S/O.JACOB P.J.
AGED 18 YEARS, JOHNSON BHAVAN,
PULPETTA P.O. MANJERI 676 126.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS:
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1. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. UNIVERSITY COLLEGE OF ENGINEERING, MUTTAM, THODUPUZHA, IDUKKI DISTRICT, REP. BY ITS PRINCIPAL.

3. MAHATMA GANDHI UNIVERSITY, KOTTAYAM, REP. BY ITS REGISTRAR.

BY ADV. SRI.V.K.MUHAMMAD YOUSUF, SC, M.G.UTY.
SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, ALONG WITH WPC NO. 11995 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF RECEIPT NO. 1689 DATED 18.06.2003 ISSUED TO THE PETITIONER BY THE UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA.

EXT.P2: TRUE COPY OF SELECTION MEMO (GREEN) VIDE MEMO NO. G-19014 DATED 13.08.2003 ISSUED TO THE PETITIONER BY THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, THIRUVANANTHAPURAM.

EXT.P3: TRUE COPY OF RECEIPT NO. 2215 DATED 20.08.2003 ISSUED TO THE PETITIONER BY THE UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA.

EXT.P4: TRUE COPY OF LAWYER NOTICE DATED 06.02.2004 SENT ON BEHALF OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF LETTER NO. UCET/ADMN/1ST B.TECH/2003 DATED 13.02.2004 FROM THE PRINCIPAL, UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA TO THE REGISTRAR, MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

EXT.P6: TRUE COPY OF THE RELEVANT EXTRACT OF PROSPECTUS FOR ADMISSION TO PROFESSIONAL DEGREE COURSES PUBLISHED BY THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, THIRUVANANTHAPURAM.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) Nos. 11992 & 11995 OF 2004

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Dated this the 21st day of June, 2007.

JUDGMENT

The petitioners are aggrieved by the proceedings taken by the Principal of the respondent-College in the matter of levy of liquidated damages on the ground that they discontinued the course under the college after the closure of appointments. According to the petitioners, the college has not sustained any loss. It is also submitted that they left the college only on higher option and hence no damages can be levied. Still further it is submitted that this Court has already considered a similar case where it has been held that the student leaving the Institution on higher option is not liable to pay the liquidated damages. Though these contentions are refuted by the learned counsel appearing for the University, since the action is only at the level of Principal, I am of the view that the petitioner should pursue his grievance before the University since the college as such is managed by University.

2. In the event of the petitioners approaching the 3rd respondent-University within a period of two months from today, the matter will be duly considered by the said authority with notice to the petitioner and appropriate orders thereon in accordance with law in the matter will be passed after adverting to the contentions taken by the petitioner within another four months.

These writ petitions are disposed of as above.

KURIAN JOSEPH, JUDGE.

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